

## REMARKS

Examiner Devi imposed a restriction requirement under 35 U.S.C. §121 against claims 1-31 and required that an election be made between one of the following groups:

Group I: drawn to claims 1-16 and 27 that recite a method of protecting an animal with producing a disease related protein or peptide in a transformed cell and delivering to an animal; and

Group II: drawn to claims 17-26 and 28-31 that recite a feed or feed additive comprising a recombinant protein or peptide capable of binding to a disease causing agent.

Further, the Examiner has stated that the generic claims will be examined but a selection of species must be included from the following groups:

1. A disease-causing agent which includes virus, bacterium or prion;
2. Six host cells that include bacteria, algae, yeast, fungi, insects, animals and plants;
- and
3. Viral protein species that include VP26, VP28, VP19 or VP24.

Applicants believe there would be a great economy of cost and effort on the part of the Office, and certainly to the applicants, if the closely related subject matter of Groups I - II claims were examined together in this one application. Applicants maintain the subject matter of Groups I - II define, but one invention, and do not possess sufficient differences to warrant issuance of separate patents.

In the event the requirement is adhered to, applicants provisionally elect with traverse, the invention of Group II drawn to claims 17-26 and 28-31, for further examination on the merits.

Regarding the election of species, applicants elect the following:

1. A disease-causing agent which includes a virus;
2. The host cell is yeast; and
3. Viral protein species is VP28.

Further when the generic claim is found patentable, all species should also be found patentable.

In accordance with Office guidelines recited in MPEP Section 821.04, elected apparatus claims found to recite patentable subject matter may be rejoined with the provisionally withdrawn method of use claims and examined in this one application provided the method of use recite limitations corresponding to those found to be patentable during examination of the elected invention. As such, when the product claims 17-26 and 28-31 are found to recite patentable subject matter, non-elected method claims 1-16 and 27 should be taken up for examination.

#### **Petition for Extension and Fees Payable**

Applicant petitions for a four month extension to extend the response due date of October 12, 2007 to February 12, 2008 and the fee of \$820.00 is being paid herewith by electronic transfer. If any additional fee is found due for entry of this amendment, the Commissioner is authorized to charge such fee to Deposit Account No. 13-4365 of Moore & Van Allen.

#### **New Power of Attorney and Change of Correspondence Address**

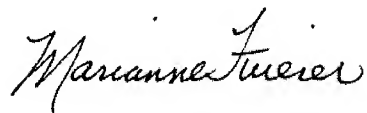
Applicants have included herewith (Appendix A) an executed Power of Attorney form that revokes the previously filed Power of Attorney and appoints new representation with a new Attorney Docket Number 014835-041.28US. Further, applicants request a Change of Correspondence, so that all communications from the USPTO will be sent to the following contact and address:

**Marianne Fuierer  
Moore & Van Allen, PLLC  
P. O. Box 13706  
Research Triangle Park, NC 27709**

#### **Conclusion**

If any issues remain outstanding incident to the prosecution of the application, Examiner Devi is requested to contact the undersigned attorney at (919) 286-8089.

Respectfully submitted,

A handwritten signature in cursive script, reading "Marianne Fuierer". The signature is written in dark ink and is positioned above the printed name and title.

Marianne Fuierer  
Reg. No. 39,983  
Attorney for Applicant

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# APPENDIX A